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**R marks****Claims Currently Being Examined/Election and Restriction Requirement**

According to the Office Action Summary, the examiner states that  
5 claims 1 through 4, 9, 13, 17, 21, 25 through 28 and 30 through 33 are  
pending in the application and no claims have been withdrawn from  
consideration.

According to the Office Action Summary, the examiner states that the  
Office Action is responsive to communications filed on April 1, 2002.

10 On April 1, 2002, Applicant filed a response to the Examiner's  
Restriction Requirement which the examiner mailed on March 12, 2002. In  
Applicant's response of April 1, 2002, the Applicant requested that the  
examiner reconsider the restriction requirement and enter the preliminary  
amendment filed on July 30, 2001.

15 Based on the claims under consideration, it appears that the  
Restriction requirement has been withdrawn and the amendment to the  
claims has been entered by the Examiner. Applicant thanks the examiner for  
entering the preliminary amendment and withdrawing the Restriction  
Requirement.

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**Information Disclosure Statement**

According to the Office Action Summary, the examiner also states  
that the Office Action is responsive to communications filed on March 28,  
2002.

25 On March 28, 2002, Applicant filed an Information Disclosure  
Statement.

Applicant would like to thank the examiner for his consideration of the  
Information Disclosure Statement submitted on March 28, 2002. However,  
Applicant notes in the copies of Form PTO/SB/08A (3 pages) and Form  
30 PTO/SB/08B (2 pages), submitted by Applicant and returned to Applicant by  
the examiner, that the examiner has signed and placed his initials next to  
only the references submitted on the first page of Form PTO/SB/08A.

Applicant respectfully requests that the examiner initial and execute  
the remaining Forms PTO/SB/08A and PTO/SB/08B submitted by Applicant  
35 on March 28, 2002, and return copies of the executed documents to  
Applicant.

**1 Claim Rejection 35 USC Section 103**

The examiner has rejected claims 1 through 4, 9, 17, 21 and 30 through 33 under 35 USC §103(a) as being unpatentable over U.S. Patent 6,112,929, granted to Hideyuki Ota (hereinafter Ota) in view of knowledge of a person of ordinary skill in the art.

Applicant respectfully disagrees with the examiner's characterization of Ota as prior art under 35 USC §103(a). To qualify as prior art, Ota must have been patented or printed prior to Applicant's invention (§102(a)), or patented or printed more than a year before Applicant filed his application (§102(b)) or the invention was described in a patent or published application filed by another prior to Applicant's invention (§102(e)).

Ota issued on September 5, 2000. Ota was filed on February 8, 1999, and Ota appears to claim the priority of a provisional application filed on December 31, 1998.

Applicant has not reviewed the provisional application to see if it supports the invention described in Ota, because even if Applicant assumes that Ota can claim the priority date of the provisional application, Applicant does not believe that Ota is effective prior art against Applicant's invention.

Applicant filed the present application on July 30, 2001. However, the present application is a continuation of an earlier-filed application. The present application claims priority of parent application serial number 09/151,992, filed September 11, 1998. Please see Applicant's preliminary amendment filed with the application on July 30, 2001, page 1.

As discussed above, Applicant has reason to believe that the examiner has reviewed and accepted the amendments to the claims made in the preliminary amendment. Applicant respectfully requests the examiner to also accept the changes to the specification made in the preliminary amendment and recalculate the effective filing date of the present application for purposes of comparing it with the references. See MPEP §706.02.

Applicant believes that its effective filing date is earlier than even the priority date of Ota, and therefore Ota is not prior art.

Applicant respectfully requests that the examiner withdraw all of the 35 USC §103(a) rejections based on Ota.

As noted above, the only prior art reference cited against claims 1 through 4, 9, 17, 21 and 30 through 33 is Ota. Since Applicant does not

1 consider Ota to be prior art, Applicant believes the rejection of these claims is improper.

The examiner rejected claims 12 and 25 under 35 USC §103(a) as being unpatentable over Ota in view of US Patent 4,057,165, granted to Kurt Kardell. As above, since Applicant does not believe that Ota is prior art, the rejection of these claims which is based on the combination of Ota with another reference is improper.

Finally, the examiner rejected claims 26 through 28 under 35 USC §103(a) as being unpatentable over Ota in view of US Patent 4,057,165, granted to Kurt Kardell and US Patent 5,761,854, granted to Johnson et al. As above, since Applicant does not believe that Ota is prior art, the rejection of these claims which is based on the combination of Ota with other references is improper.

#### Conclusion

15 Applicant believes that it has responded to all the issues raised by the examiner. Applicant believes that the claims as amended by the preliminary amendment filed July 30, 2001, are in condition for allowance and application respectfully requests that the examiner reconsider the rejections of the claims.

20 The undersigned wishes to state that if the Examiner has questions about this response, the undersigned would be most happy to try to answer them on the telephone.

Respectfully submitted,

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Reg. No. 41,694

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